



Department of Justice  
Canada

Ministère de la Justice  
Canada

FOR APPROVAL

NUMERO DE DOSSIER / FILE #: 2016-015267

COTE DE SÉCURITÉ / SECURITY CLASSIFICATION: Protected B

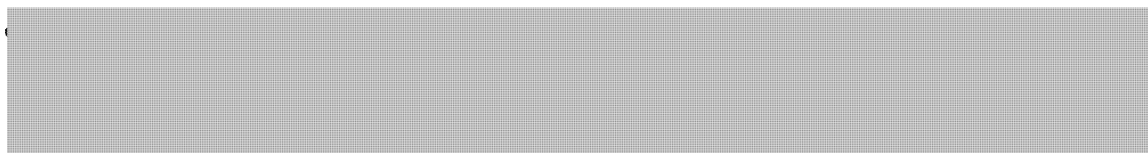
TITRE/TITLE: Funding for Innocence Canada

s.21(1)(a)

s.21(1)(b)

**SOMMAIRE EXÉCUTIF / EXECUTIVE SUMMARY**

- Innocence Canada, an organization devoted to investigating and correcting the wrongfully accused, is seeking funding in the amount of \$550,000 to \$600,000 to continue its operations, and to manage their backlogs.



- Your approval is sought to inform the organization that the Department is unable to respond favourably to their request for funding.

Approbation/signature de la ministre demandée pour le / Minister's signature/approval requested by:

August 5, 2016

Soumis par (secteur) / Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM / Lead in the DM Team:

Suesan Saville

Revue dans l'ULM par / Edited in the MLU by:

Sarah McCulloch

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FOR APPROVAL

2016-015267

## MEMORANDUM FOR THE MINISTER

### Funding for Innocence Canada

#### ISSUE

Your approval is sought to inform Innocence Canada that the Department of Justice is unable to grant its request for financial support.

#### BACKGROUND

Innocence Canada, formally known as the Association in Defence of the Wrongly Convicted, was founded in 1993 as a non-profit organization devoted to investigating and correcting wrongful convictions. It regularly submits applications to the Minister of Justice pursuant to section 696.1 of the *Criminal Code*.

On June 9, 2016, you met with representatives from Innocence Canada. At that meeting, one of the agenda items consisted of a request for sustainable financial support. You made no commitment to the organization regarding their request for financial assistance.

In its letter to you dated June 17, 2016, attached at Annex 1, the organization reiterated its request for funding for a three year pilot beginning in 2017-2018, to continue operations and to address a backlog that has accumulated due to the complicated nature of their files, and issues with the pro-bono case review model. The level of funding sought is between \$550,000 and \$600,000 per annum.

The organization also wrote to the Associate Deputy Minister on July 14, 2016, seeking core funding, and a preliminary indication of interest in discussing financial support. A copy of the correspondence is attached at Annex 2.

#### CONSIDERATIONS

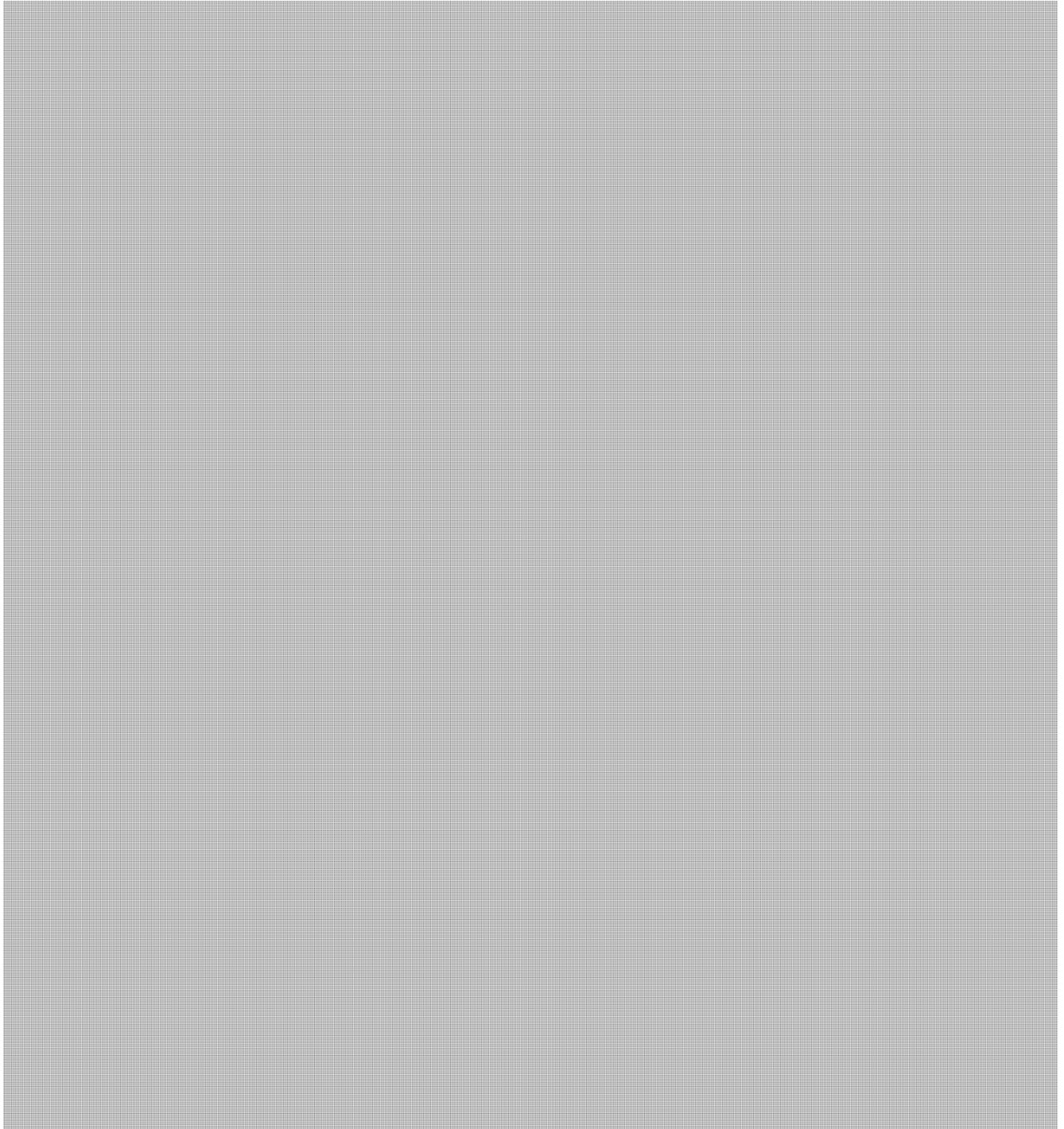
Given the nature of Innocence Canada's work, the only departmental program that could consider a funding request is the Justice Partnership and Innovation Program (JPIP). The JPIP is designed to provide resources to facilitate access to justice through various means, including; the development of new approaches; the dissemination of law-related information; and the testing of pilot projects. The overall goal of the JPIP is to contribute to policy development in order to ensure that the justice system remains accessible, efficient, and effective.

The JPIP has very limited resources. Over 90% of its resources support on-going commitments, including, funding to the Canadian Association of Chiefs of Police, the Canadian Association of Provincial Court Judges, the Canadian Society of Forensic Science, the National Judicial Institute, the Uniform Law Conference of Canada, and the International Centre for Criminal Law

s.21(1)(a)

s.21(1)(b)

Reform and Criminal Justice Policy, 10 public legal education and information organizations, Legal Studies for Aboriginal People Program, as well as reoccurring projects. The amount being requested by Innocence Canada exceeds the capacity of the JPIP, as there is currently \$17,500 left for 2016-2017.



## RECOMMENDATION

It is recommended that you concur with Programs Branch informing Innocence Canada that the Department is unable to respond favourably to its request.

Annex 1: Letter dated June 17, 2016 from Innocence Canada  
Annex 2: Letter dated July 14, 2016 from Innocence Canada  
Annex 3: Proposed draft response to June 17, 2016 letter (File number 2016-014624)

**PREPARED BY**  
Marc Rozon  
Director  
Innovations, Analysis and Integration  
Directorate  
613-954-2884

☐ **I CONCUR.**

☐ **I DO NOT CONCUR.**

☐ **OTHER INSTRUCTIONS:**

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The Honourable Jody Wilson-Raybould

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Date

# ANNEX 1

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## Innocence Canada

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CS-MS-MCU

100005

June 17, 2016

The Honourable Jody Wilson-Raybould, P.C., M.P.  
Minister of Justice and Attorney General of Canada  
Department of Justice  
284 Wellington Street (4<sup>th</sup> floor)  
Ottawa, Ontario  
Canada  
K1A 0H8

MINISTER OF JUSTICE  
MINISTRE DE LA JUSTICE  
2016 JUN 20 P 1:55  
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Dear Minister Wilson-Raybould,

*no record in MCU*

Thank you for making time to meet with us on June 9, 2016. It was likely obvious how elated we were and how important the opportunity was to our group at this very hopeful time for the Canadian justice system.

In addition to expressing our gratitude, we write to expand on and clarify a few things we brought up at the meeting and in our written materials.

First and foremost, if you have had time to consider our request for financial support and are amenable, we would like to work with the appropriate federal Department of Justice staff person on a plan for a three-year federal funding pilot. This pilot, starting in your fiscal year 2017-18, would allow Innocence Canada to continue operations at the current level as well as to address the significant backlog that has accumulated over the years by virtue of the complicated nature of this work and the reality of the flawed probono case review model.

At the same time, we would like to participate in and make submissions regarding your review of the criminal justice system. We have developed unique knowledge and expertise on shortcomings in the system by virtue of our direct involvement in the exoneration of twenty-one people for whom the system failed. We also have a close understanding of issues facing Indigenous and other marginalized persons. We would, for instance, identify recommendations from past inquiries that could be implemented in the short term. We would also like to have a longer conversation about the advisability of creating an independent tribunal to review wrongful convictions in Canada as well as other changes that would strengthen the justice system and the public's confidence in it.

We applaud your Government's commitment to access to justice, as was recently substantiated by the financial commitment to legal aid partnerships with the provinces and territories. As we discussed last week, we presently have a very modest pilot project with Legal Aid Ontario that assists with the cost of disbursements and legal education, but does provide financial support for case reviewers. We hope that through an appeal we plan to make this fall to the Association of Legal Aid Plans of Canada, we will eventually garner financial support from provincial and territorial legal aid plans for our case reviewers. If you would endorse our appeal for support from

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s.19(1)

## Innocence Canada

legal aid plans, we believe it would ameliorate our ability to increase access to justice across the country.

Finally, per your availability, this letter is to extend in writing our invitation to speak at our third annual International Wrongful Conviction Day (IWCD) event. On October 2, 2013, we launched the first IWCD, the purpose of which is to recognize globally the tremendous personal, social and legal costs associated with miscarriages of justice. Further we wish to educate the public on the causes and consequences of these tragedies in the hope that we can prevent future wrongful convictions and attain better outcomes for those who have already been wrongly convicted. Last year IWCD events were held around the world. Twenty-five Canadian cities issued proclamations recognizing IWCD. We expect recognition will expand further with each passing year.

This year IWCD falls on Sunday, October 2. If you are amenable, we would happily plan our event around your schedule. The event could be in Ottawa, or a community of your choosing, in the week leading up to or after October 2, 2016. We would of course provide your staff with as much assistance and background material as they require to prepare your remarks. We are confident this event would greatly advance our mandate and is in line with the priorities set out for you in your appointment letter.

We strongly believe that your support for our work will have immense benefits both tangible and intangible. For instance, your support for our work would help us continue to build relationships with police services and Crown law offices that might expedite post-conviction disclosure and create new opportunities for education. More generally, we believe the media and the public would applaud federal recognition of the fact we all have an interest in making sure that the innocent are not convicted and those who commit crimes are caught.

We thank you again for your time. In all of the excitement of that first meeting with you and per your request we forgot to leave a copy of the comic book we created to teach youth about wrongful convictions. Please find it enclosed. We look forward to the next opportunity we have to speak with you and your representatives.

Sincerely,

[Redacted]  
[Redacted]  
Co-President  
Innocence Canada  
[Redacted]

[Redacted]  
[Redacted]  
Executive Director  
Innocence Canada &  
Innocence Canada Foundation  
[Redacted]  
[Redacted]

# ANNEX 2



||||| ||||| ||||| ||||| |  
**Innocence Canada**

July 14, 2016

Mr. Pierre Legault  
Associate Deputy Minister of Justice  
Department of Justice  
284 Wellington Street (4<sup>th</sup> Floor)  
Ottawa, Ontario  
Canada  
K1A 0H8

Dear Mr. Legault,

Thank you for your letter of July 7, 2016. We are very pleased that you view miscarriages of justice as a blight on the Canadian criminal justice system and that the Department of Justice supports any endeavor that will assist in improving this very important safety net for Canadians.

As you noted in your letter, Kerry Scullion of the Criminal Convictions Review Group (CCRG) and ourselves have been communicating with respect to next steps in finding efficiencies in the post-conviction review process within and between Innocence Canada and the CCRG. We appreciate your support of this dialogue. Like you, we believe the Minister's independence is absolutely essential to this process and we will have that top of mind as our conversations with the CCRG progress. That being said, there will not be opportunity for meaningful progress or positive change if we are not able to secure the necessary resources in time to assure a sustainable future for our organization.

As we shared with you when we met, Innocence Canada as it is currently constituted (with a modest staff of three full-time and two part-time employees), will not exist beyond September 2017 if we are not able to secure enhanced core funding. In those earlier discussions we referred to the fact that we would need help beginning in the 2017/18 fiscal year. We may have left the impression that planning for such an eventuality would not need to begin much earlier than next spring. If we must lay-off staff and abandon our office space, we will need to commence the planning process and notice periods this September 2016.

We are requesting, at least, a preliminary indication of an interest in discussing financial support. The discussion would include our representatives and the appropriate staff in the Federal Government. I am attaching an updated version of the financial summary which we shared with you on June 9, 2016. It presents quite a clear picture of the pending financial imperative. We are also pleased to prepare a formal proposal if you think that might be appropriate. While we do not

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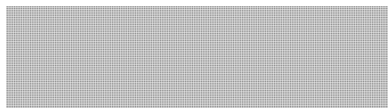


## Innocence Canada

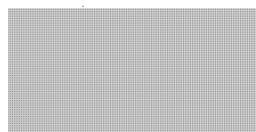
wish to be seen as prematurely ringing the alarm, frankly, discussing case review processes would be a somewhat futile exercise if we do not simultaneously discuss a plan to address our near term financial needs and the very future of the organization.

We remain optimistic that the Federal Government will be willing to consider approving the modest funding we require to continue to do this important work on behalf of all Canadians. We look forward to hearing from you.

Sincerely,



Co-President  
Innocence Canada



Executive Director  
Innocence Canada &  
Innocence Canada Foundation



CC: Kerry Scullion, Director/General Counsel, Criminal Convictions Review Group

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## Financial Summary: AIDWYC and the AIDWYC Foundation

June 2016

### Summary of 2010-2016 Financials

	Revenue	Expenses	Deficit/Surplus	Assets at Dec 31st	Notes
2010	\$640,751	\$681,940	-\$41,189	\$1,054,867	\$1,000,000 donation in 2009
2011	\$569,480	\$684,202	-\$114,722	\$905,734	
2012	\$964,564	\$600,798	\$365,806	\$1,271,662	\$500,000 donation in 2012
2013	\$541,707	\$720,363	-\$122,135	\$1,149,527	
2014	\$503,690	\$777,611	-\$241,186	\$908,341	
2015	\$604,961	\$812,232	-\$199,523	\$708,818	
2016	\$520,000	\$865,000	-\$395,000	\$314,000	projected

### Annual Revenue (2016)

Charitable fundraising/Grants	\$150,000 (projected)
Law Foundation of Ontario	\$230,000 and \$63,000 articling student
Legal Aid Ontario	(approval pending for \$50,000, year 2 of pilot project funding)
Membership	\$7,000 (projected)
Investment income *	\$20,000 (projected) – declining yearly with capital drawdown
<b>Total</b>	<b>\$470,000</b>

\*Donations of \$1,000,000 (2009) and \$500,000 (2012) and investment funds established.

### Annual Expenses (2016)

Case Related disbursements -- forensics, private investigation, lawyer's fees for 696 brief preparation, travel, etc.	\$160,000
Case Management	\$100,000 (One lawyer and case database)
Legal Education	\$120,000 (One lawyer and program fees)
Client Services	\$80,000 (One staff)
Executive Director	\$115,000
Operations – staff, audit, accounting	\$120,000 (One staff, auditor, accountant)
Rent	\$60,000
Insurance, technology maintenance, telecommunications, etc.	\$65,000
Other – Fundraising, events, travel, client support, etc.	\$45,000
<b>Total</b>	<b>\$865,000</b>

### Proposal: Financial Stability and Accelerated Case Activity

Achieving Financial Stability		
	Additional funding to support status quo operations	\$250,000
Accelerating Case Activity		
	Case disbursements – forensics, private investigations, travel, filing fees, etc.	\$100,000
	Lawyer's fees for 696 Brief preparation and related disbursements – 4-5 cases/year at \$50K per case	\$200,000-250,000 (\$100,000 in 2016 for 6 month pilot project)
	<b>Total</b>	<b>\$550,000-\$600,000</b>

# ANNEX 3

**Pages 13 to / à 14**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(a), 21(1)(b)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**